



Town Of Erie
Planning Commission Regular Meeting
Wednesday, December 5, 2012
6:30 P.M.
Board Room, Erie Town Hall, 645 Holbrook,
Erie, CO 80516

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO THE FLAG

II. ROLL CALL

III. APPROVAL OF THE AGENDA

IV. APPROVAL OF MINUTES

Approval of the November 28, 2012, Planning Commission Regular Meeting Minutes

V. PUBLIC COMMENTS (This agenda item provides the public an opportunity to discuss items other than items that are on the agenda. The Planning Commission is not prepared to decide on matters brought up at this time, but if warranted, will place them on a future agenda.)

VI. RESOLUTIONS (This agenda item is for all matters that should be decided by resolutions.)

1. UDC Amendment

Purpose: Amend UDC

Project File #: N/A

Request: Consideration of Resolution P12-22, A Resolution Recommending Approval Of Amendments To Title 10 Of The Town Of Erie Municipal Code.

Location: N/A

Zoning: N/A

Applicants: Town of Erie

(Staff Planner: Marty Ostholthoff)

VIII. STAFF REPORTS (This agenda items is reserved for specific items from Staff requiring Commission direction or just relaying important information.)

IX. COMMISSIONER REPORTS AND DISCUSSION ITEMS (This agenda item is for all Planning Commission reports and items of information as well as Commission discussion items, not listed on the agenda.)

X. ADJOURNMENT

Town of Erie
Planning Commission Special Meeting
Wednesday, November 28, 2012
6:30 p.m.
Board Room, Erie Town Hall, 645 Holbrook, Erie, Co 80516

I. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE

Chairman Bell called the Regular Meeting of the Erie Planning Commission to order at 6:28 p.m.

II. ROLL CALL

Commissioner Bell - Present

Commissioner Bottenhorn – Present

Commissioner Burgard - Present

Commissioner Woog - Present

Commissioner Mahe- Present

Commissioner Mazzocco - Present

Commissioner Trujillo - Present

Staff Present:

R. Martin Ostholthoff, Community Development Director;

Deborah Bachelder, Senior Planner; and

Hallie Sawyer, Secretary to the Commission

III. APPROVAL OF THE AGENDA

Commissioner Mazzocco moved to approve the November 28, 2012, Special Meeting Agenda as submitted. The motion, seconded by Commissioner Trujillo, carried with all voting in favor thereof.

IV. APPROVAL OF MINUTES

a. Minutes from the November 7, 2012, Regular Meeting.

Commissioner Mazzocco moved to approve the November 7, 2012, Minutes as submitted. The motion, seconded by Commissioner Woog, carried with all voting in favor thereof.

V. PUBLIC COMMENTS

(This agenda item provides the public an opportunity to discuss items other than items that are on the agenda. The Planning Commission is not prepared to decide on matters brought up at this time, but if warranted, will place them on a future agenda.)

None.

VI. RESOLUTIONS (This agenda item is for all matters that should be decided by resolutions.)

1. Public Hearing – Summerfield Initial Zoning

Purpose: Consideration of Initial Zoning of the property to PD.

Project File #: IZ – 12-00045

Request: Consideration of Resolution P12-21 A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Initial Zoning Of The Summerfield Property To PD-Planned Development With Conditions.

Location: Section 4 – South of Highway 52 between WCR 5& WCR 7 & North of WCR 12

Zoning: Proposed PD – Planned Development

Applicants: Section 4 Investors, LLC, Jon Lee, Representative

(Staff Planner: Marty Ostholthoff)

Chairman Bell opened the Public Hearing at 6:30 p.m. Mr. Ostholthoff presented the background of the request, reviewed the criteria for approval of the proposed Summerfield Initial Zoning, entered all of the documents into the record, recommending approval of Resolutions\ P12-21 for the Initial Zoning.

Chairman Bell swore in the audience.

Jon R. Lee, Community Development Group, gave the applicants presentation.

Public Comment was taken from Everette McCully, 4772 Peak View, Erie; Kathy McGwire, 4223 WCR 7, Erie; Barb Van Zuiden, 5476 Fir, Erie; Janet Jones, 5969 WCR 5, Erie; Sarah Hodgson, 2604 WCR 12, Erie; Hubert Smits, 2244 WCR 12, Erie; Kathryn Wyant, 2604 WCR 12, Erie; Jodie Radel, 5764 WCR 7, Erie; Kathryn Ayelt, 5457 Aspen Avenue, Erie; Linda Hidalgo, Erie; & Joe Wilson, 1656 Alpine Drive, Erie.

Comments covered road buffer; oil & gas wells; density; extreme impact on neighborhood; frontage road for WCR 7 residents; road & traffic plan; water & sewer for development; shooting at gun club & police shooting range; does not want development with 1000's of vehicles & people – make it fit with rural Weld County; highway/frontage road access at corner of WCR 5 & 52; OSTAB comments not supporting proposal; violating Comp Plan designations; reminded Commissioners of their roles, and can they honestly recommend this plan; moved here for peace and quiet away from business south or here; commission has already made up their minds; property is open space; number of cars development will bring will destroy their quality of life; no honesty in developer or commission; opinion that since neighbors live in unincorporated Weld County, the Commission does not need to listen to them; plan is not compatible with the surrounding area; clarification of Mr. Lee's statement regarding the school site; thanks to the Commission for serving the Board of Trustees as advisors; innovative choices for future needs of Erie; sets borders & provides revenue for Erie.

Commissioner questions covered clarification of presentation made in July; design guidelines; neighborhood Parks; status of Annexation Agreement; did OSTAB respond as a referral agency; setbacks to the eagles nest; how does size of age targeted area compare to Anthem; when did Anthem start; WCR 12 traffic; WCR 7/7.5; water & sewer provider; benefit to surrounding property owners; is the retail space true commercial; is this a forced annexation or is imminent domain being used; WCR 5 construction; percentage of units that will be age restricted; school site; future rail line; shooting range; Left Hand Water; response to CDOT; possibility of extending frontage road on WCR 5 to Hwy. 52; ditches; recommendation for buffers from neighbors; gas & oil setbacks; open space & parks; future process & approvals and opportunities for public input; what could happen to 12 acre school site if the school district does not use it; impact on adjacent rural property values; and approval criteria clarification. Chairman Bell closed the public hearing at 8:28 p.m.

Commissioner comments covered their interest in developing our town; inevitable development; Erie is listening – do we want to plan for the development or let someone else do it; volunteer, unpaid Commission; the benefit in working together with neighbors; guidelines Commission has to follow; we first looked at this in May – we hear our neighbors; this property will be developed – the neighbors need to stay in touch with us; what the Planning Commission can and can't do, and the requirement to vote on the Initial Zoning.

Commissioner Mazzocco moved approval of Resolution P12-21, A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Initial Zoning Of The Summerfield Property To PD-Planned Development With Conditions. The motion, seconded by Commissioner Bottenhorn, carried 6-1 with Commissioner Trujillo voting nay.

VII. STAFF REPORTS (This agenda items is reserved for specific items from Staff requiring Commission direction or just relaying important information.)

There will be a Planning Commission meeting next Wednesday, December 5th.

VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS (This agenda item is for all Planning Commission reports and items of information as well as Commission discussion items, not listed on the agenda)
None.

IX. ADJOURNMENT

There being no further business to come before the Commission, Chairman Bell adjourned the November 28, 2012, Special Meeting of the Planning Commission at 8:46 p.m.

Respectfully Submitted,

Town of Erie Planning Commission

By: _____
Hallie S. Sawyer, Secretary

By: _____
Brent Bell, Chair

**TOWN OF ERIE
PLANNING COMMISSION MEETING
Wednesday, December 5, 2012**

SUBJECT: Consider a proposed amendment to Title 10 of the Town of Erie Municipal Code.

CODE REVIEW: Town of Erie Municipal Code, Title 10 (UDC)

DEPARTMENT: Community Development Department
R. Martin Ostholthoff, Director

ACTION REQUESTED: Consideration of Resolution No. P12-22, a Resolution recommending approval of proposed amendments to Title 10 of the Town of Erie Municipal Code.

STAFF RECOMMENDATION: Approval of Resolution P12-22.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Staff is proposing an amendment to Title 10 and has provided redlines of the proposed amendment attached to Resolution P12-22 as Exhibit A. The proposed amendment allows the Board of Trustees to consider alternatives to a developer/property owner, etc. in providing public improvement guarantees prior to recordation of a final plat.

CODE AMENDMENT APPROVAL CRITERIA

The following are the approval criteria of Section 7.21.C.9, Amendments to the Text of the Code. The Planning Commission must make findings that support the approval of, or the denial of, the proposed Code amendment based on these criteria.

1. THE PROPOSED AMENDMENT WILL PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE;
2. THE PROPOSED AMENDMENT IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN AND THE STATED PURPOSES OF TITLE 10; AND
3. THE PROPOSED AMENDMENT IS NECESSARY OR DESIRABLE BECAUSE OF CHANGING CONDITIONS, NEW PLANNING CONCEPTS, OR OTHER SOCIAL OR ECONOMIC CONDITIONS.

Public Notice:

Public notice is not required for Title 10 amendments before the Planning Commission.

Approved by:



R. Martin Ostholthoff
Community Development Director

Attachments:

- A.** Resolution P12-22 with Redlines attached as Exhibit A

ATTACHMENT A

RESOLUTION NO. P12-22

A RESOLUTION RECOMMENDING APPROVAL OF AMENDMENTS TO TITLE 10 OF THE TOWN OF ERIE MUNICIPAL CODE.

WHEREAS, the Planning Commission of the Town of Erie, Colorado, has received and considered amendments to the Title 10 of the Town of Erie Municipal Code, on Wednesday, December 5, 2012, on the application of the Community Development Department.

WHEREAS, The Town desires to amend Title 10 of the Town of Erie Municipal Code; and

WHEREAS, it is deemed to be in the best interest of the Town and for the benefit of the public health, safety and welfare of the residents of the Town of Erie for the Town of Erie to amend Title 10 of the Municipal Code.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF ERIE, COLORADO, as follows:

Section 1. Findings of Fact

1. The Planning Commission determined that the application meets the Approval Criteria as specified in Title 10 of the Municipal Code, Section 7.21.C.9. Specifically that;
 - a. The proposed amendment will promote the public health, safety, and general welfare;
 - b. The proposed amendment is consistent with the Town's Comprehensive Plan and the stated purposes of Title 10; and
 - c. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

Section 2. Conclusions

The application is in substantial compliance with Title 10 of the Municipal Code, Section 7.21 – Amendments to the Text of The Code.

Section 3. Recommendations and Conditions

The Planning Commission recommends approval of the amendments to Title 10 of the Municipal Code, attached hereto as "Exhibit A."

INTRODUCED, READ, SIGNED AND APPROVED THIS 5th DAY OF DECEMBER, 2012.

TOWN OF ERIE, PLANNING COMMISSION

Brent Bell, Chair

ATTEST:

Hallie S. Sawyer, Secretary

Exhibit A

10-7-7: SUBDIVISION:

D. Procedure For Review Of Final Plats:

8. Step 8 (Decision And Findings): Applicable. The following additional procedures shall apply:

- e. Improvements Guarantees: The subdivider shall provide any required guarantees to the town clerk prior to the recording of the final plat, unless otherwise authorized by the Board of Trustees. For a period of two (2) years after receipt of an acceptance letter from the town, the applicant shall guarantee the conditions of all public facilities and be responsible for the structural maintenance and the repair of any defects that may emerge during that period. Maintenance of those areas not formally accepted shall be the responsibility of the applicant. At the end of two (2) years, the applicant shall petition the town for formal final release from the responsibility for the improvements. The town shall then inspect the improvements and determine whether the applicant has met the conditions specified in the preliminary acceptance. If conditions have been met, the town shall release the applicant from responsibility for the improvements. Upon final acceptance, it shall be the town's responsibility to maintain and repair all such improvements.